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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,645	12/29/2003	Wendy Lynn Behnke	18,694	6907

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KIMBERLY-CLARK WORLDWIDE, INC.  
401 NORTH LAKE STREET  
NEENAH, WI 54956

EXAMINER
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PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/748,645

Applicant(s)

BEHNKE ET AL.

Examiner

David J Parsley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5-7-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **Detailed Action**

### ***Amendment***

1. This office action is in response to applicant's amendment dated 10-27-04 and this action is non-final. Further, the allowability of claims 9-11 and 21 has been withdrawn.

### ***Claim Objections***

2. Claim 33 is objected to under 37 CFR 1.75 as being a substantial duplicate of claims 9-11. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 34 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 21. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 8, 12, 14-17, 19-20, 22, 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0044569 to Kacher et al.

Referring to claim 1, Kacher et al. discloses a device comprising, a first layer – at 710,750, including a first material – at 750, 821, the first layer has a first layer perimetric edge – see figure 22, and wherein the first material – at 750, is hook material having hooks adapted to capture detritus – see for example figures 22-24 and paragraphs [0156]-[0162], a second layer – at 720, 822, including a second material, wherein the second layer has a second layer perimetric edge – see figures 22-24, and wherein at least a portion of the second layer perimetric edge is coupled to the first layer perimetric edge such that the first and second layers define a bag-like space – at 730 or in paragraphs [0156]-[0162], that is at least partially enclosed – see for example figures 22-24.

Referring to claim 2, Kacher et al. discloses the first material is micro-hook material – see for example paragraphs [0156]-[0162].

Referring to claim 3, Kacher et al. discloses the second material is a non-woven material – see for example [0156]-[0162].

Referring to claim 6, Kacher et al. discloses the device is a mitt – see for example figures 22-24 and [0156]-[0162].

Referring to claim 8, Kacher et al. discloses the device is a tool cover – see for example paragraphs [0160]-[0162].

Referring to claim 12, Kacher et al. discloses a thumb space – see for example figures 22-24.

Referring to claim 14, Kacher et al. discloses the first layer includes adhesive – see for example paragraphs [0156]-[0162].

Referring to claim 15, Kacher et al. discloses the adhesive is positioned on the hook material – see for example paragraphs [0156]-[0162].

Referring to claim 16, Kacher et al. discloses a sealing mechanism – see for example paragraphs [0156]-[0162].

Referring to claim 17, Kacher et al. discloses the sealing mechanism uses hook material – see for example paragraphs [0156]-[0162].

Referring to claim 19, Kacher et al. discloses the sealing mechanism is an adhesive – see for example paragraphs [0156]-[0162].

Referring to claim 20, Kacher et al. discloses the device is disposable – see for example paragraphs [0156]-[0162].

Referring to claim 22, Kacher et al. discloses the space is sized to substantially enclose a human hand – see for example figures 22-24 and paragraphs [0156]-[0162].

Referring to claim 24, Kacher et al. discloses the space is sized to enclose a portion of a tool – see for example paragraphs [0156]-[0162].

Referring to claim 25, Kacher et al. discloses the first material – at 750 or 810, consists essentially of hook material – see for example figures 22-24 and paragraphs [0156]-[0162].

Referring to claim 26, Kacher et al. discloses a device comprising, a bag-like body – at 700 or 800, including an outer surface including micro-hook material – at 750 or 810, and an interior space – at 730 or see figure 23. Kacher et al. does not disclose the body is adapted to be turned inside out to create a second interior space. However, this limitation constitutes functional language in an apparatus claim and therefore the limitation has been considered but is not deemed to make the claimed invention novel over the Kacher et al. reference in that the Kacher et al. reference is capable of being made inside out, to allow the user greater ease in removing the glove from their hand.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,524,575 to Lennon. Kacher et al. does not disclose the second material is an elastomeric material. Lennon does disclose the second material – at 42, is an elastomeric material – see for example column 3 lines 21-30. Therefore it would have been obvious to one of ordinary skill in the art to take the device of

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Kacher et al. and add the second material being an elastomeric material of Lennon, so as to allow for the mitt to be flexible and easily movable into differing positions.

Claims 5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,604,742 to El Sabbagh.

Referring to claim 5, Kacher et al. does not disclose the second material is micro-hook material. El Sabbagh does disclose the second material – at either of 36 or 42 is micro-hook material – see for example column 3 lines 47-59. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the second material being micro hook material of El Sabbagh, so as to allow for the glove to have object attracting/adhering capabilities on all sides.

Referring to claim 21, Kacher et al. does not disclose the first and second materials are one piece of the same material wherein the first layer and the second layer are two portions of the piece, and wherein one of the first and second layer is folded over the other of the first and second layer. El Sabbagh does disclose the first and second materials are one piece of the same material – see for example column 3 lines 32-47, wherein the first layer – at 36, and the second layer – at 42, are two portions of the piece, and wherein one of the first and second layer is folded over the other of the first and second layer – see at 40 and 44 in figures 4a-4b. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the first and second layer materials of El Sabbagh, so as to allow for the glove to have object attracting/adhering capabilities on all sides.

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Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,742,911 to McAlister. Kacher et al. does not disclose the device is a pet bed enclosure. McAlister does disclose the device is a pet bed enclosure – see for example figures 1-8. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the device being a pet bed of McAlister, so as to allow for the device to be self-operating.

Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,682,837 to Courtney et al.

Referring to claims 9 and 11, Kacher et al. does not disclose the first layer is coupled to the second layer using adhesive or by sewing. Courtney et al. does disclose the first layer – at 12 to the second layer – at 20 using adhesive or by sewing – see for example column 4 lines 12-20. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the first and second layer being connected via adhesive or sewing of Courtney et al., so as to allow for the device to be securely held together.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,494,720 to Smith et al. Kacher et al. does not disclose the first layer is coupled to the second layer using ultrasonic bonding. Smith et al. does disclose the first layer is coupled to the second layer using ultrasonic bonding – see for example column 1 lines 19-36, column 2 lines 11-26 and column 3 lines 30-35. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al.



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and add the layers connected via ultrasonic bonding of Smith et al., so as to allow for the device to be securely held together.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 1 above, and further in view of WO Patent No. 03/045135. Kacher et al. does not disclose a finger loop in the space. The WIPO patent does disclose a finger loop – at 29, in the space – at the interior of 11-17 – see for example figures 1-3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the finger loop of the WIPO reference, so as to allow the user's hand to be more securely held inside the glove.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 16 above, and further in view of U.S. Patent No. 6,203,080 to Surplus. Kacher et al. does not disclose the sealing mechanism is a zipper. Surplus does disclose a zipper – see column 4 lines 1-10, used as a sealing mechanism. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the zipper sealing mechanism of Surplus, so as to allow for the inside of the device to be completely sealed from any outside elements.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,072,694 to Haynes et al. Kacher et al. does not disclose the space is sized to substantially enclose a pet bed. Haynes et al. does disclose a material – at 36, with a space – at the interior of 36, sized to substantially enclose a pet bed – at 40 – see for example figures 1-2. Therefore it would have been obvious to one of

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ordinary skill in the art to take the device of Kacher et al. and add the material enclosing the pet bed of Haynes et al., so as to allow for the pet bed to be protected from any outside elements.

Claim 30, is a method which employs the apparatus of claim 23. Since this method claim is similar to the apparatus claims the rejections for the apparatus claim 23 render the limitations of this method claim 30 inherent based on the prior art references disclosed above in reference to claim 23.

Claim 26 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kacher et al in view of U.S. Patent Application Publication No. 2003/0041813 to Demeur et al. Kacher et al. discloses a device comprising, a bag-like body – at 700 or 800, including an outer surface including micro-hook material – at 750 or 810, and an interior space – at 730 or see figure 23. Kacher et al. does not disclose the body is adapted to be turned inside out to create a second interior space. Demeur et al. does disclose the body – at 12-14, is adapted to be turned inside out to create a second interior space – see for example figures 1-4, Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the body capable of being turned inside out of Demeur et al., so as to allow the user of the device to stay clean during use of the device.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al in view of Lennon. Kacher et al. discloses a method comprising, donning a mitt – at 700 or 800, the mitt having a first layer – at 710, 750, including a first material – at 750, 821, the first layer has a first layer perimetric edge – see figure 22, and wherein the first material – at 750, is hook material having hooks adapted to capture detritus – see for example figures 22-24 and paragraphs [0156]-[0162], a second layer – at 720, 822, including a second material, wherein the second

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layer has a second layer perimetric edge – see figures 22-24, and wherein at least a portion of the second layer perimetric edge is coupled to the first layer perimetric edge such that the first and second layers define a bag-like space – at 730 or in paragraphs [0156]-[0162], that is at least partially enclosed – see for example figures 22-24. Kacher et al. further discloses collecting detritus in the hooks – see paragraphs [0156]-[0162], and disposing of the mitt – see paragraphs [0156]-[0162]. Kacher et al. does not disclose petting an animal having detritus. Lennon does disclose a mitt – at 40, used to pet an animal having detritus – see for example figure 5a and columns 2-3. Therefore it would have been obvious to one of ordinary skill in the art to take the method of Kacher et al. and add the step of petting an animal having detritus of Lennon, so as to allow for the animal to be cleaned.

Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as modified by Lennon as applied to claim 27 above, and further in view of Demeur et al.

Referring to claims 28-29, Kacher et al. as modified by Lennon does not disclose turning the mitt inside out to enclose the detritus and sealing the mitt. Demeur et al. does disclose turning the mitt – at 12,14, inside out – see for example figures 2-4 and sealing the mitt – via items 38 as seen in figure 4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. as modified by Lennon and add the turning the mitt inside out and sealing of the mitt of Demeur et al., so as to allow for the device to be sanitary for the user.

Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. as modified by Haynes et al. as applied to claim 30 above, and further in view of Demeur et al.

Referring to claims 31-32, Kacher et al. as modified by Haynes et al. does not disclose turning the mitt inside out to enclose the detritus and sealing the mitt. Demeur et al. does disclose turning the mitt – at 12,14, inside out – see for example figures 2-4 and sealing the mitt – via items 38 as seen in figure 4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. as modified by Haynes et al. and add the turning the mitt inside out and sealing of the mitt of Demeur et al., so as to allow for the device to be sanitary for the user.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al in view of Courtney et al. Kacher et al. discloses a device comprising, a first layer – at 710,750, including a first material – at 750, 821, the first layer has a first layer perimetric edge – see figure 22, and wherein the first material – at 750, is hook material having hooks adapted to capture detritus – see for example figures 22-24 and paragraphs [0156]-[0162], a second layer – at 720, 822, including a second material, wherein the second layer has a second layer perimetric edge – see figures 22-24, and wherein at least a portion of the second layer perimetric edge is coupled to the first layer perimetric edge such that the first and second layers define a bag-like space – at 730 or in paragraphs [0156]-[0162], that is at least partially enclosed – see for example figures 22-24. Kacher et al. does not disclose the first layer is coupled to the second layer using adhesive or by sewing. Courtney et al. does disclose the first layer – at 12 to the second layer – at 20 using adhesive or by sewing – see for example column 4 lines 12-20. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the first and second layer being connected via adhesive or sewing of Courtney et al., so as to allow for the device to be securely held together.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kacher et al. in view of El Sabbagh. Kacher et al. discloses a device comprising, a first layer – at 710,750, including a first material – at 750, 821, the first layer has a first layer perimetric edge – see figure 22, and wherein the first material – at 750, is hook material having hooks adapted to capture detritus – see for example figures 22-24 and paragraphs [0156]-[0162], a second layer – at 720, 822, including a second material, wherein the second layer has a second layer perimetric edge – see figures 22-24, and wherein at least a portion of the second layer perimetric edge is coupled to the first layer perimetric edge such that the first and second layers define a bag-like space – at 730 or in paragraphs [0156]-[0162], that is at least partially enclosed – see for example figures 22-24. Kacher et al. does not disclose the first and second materials are one piece of the same material wherein the first layer and the second layer are two portions of the piece, and wherein one of the first and second layer is folded over the other of the first and second layer. El Sabbagh does disclose the first and second materials are one piece of the same material – see for example column 3 lines 32-47, wherein the first layer – at 36, and the second layer – at 42, are two portions of the piece, and wherein one of the first and second layer is folded over the other of the first and second layer – see at 40 and 44 in figures 4a-4b. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Kacher et al. and add the first and second layer materials of El Sabbagh, so as to allow for the glove to have object attracting/adhering capabilities on all sides.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to pet mitts and pet beds in general:

U.S. Pat. No. 6,230,659 to Karlsson – shows pet grooming device

U.S. Pat. No. 6,810,553 to Otsuji et al. – shows hand attached grooming device

GB Pat. No. 2368776 – shows glove with hook and loop material

DE Pat. No. 20101262 – shows glove with hook and loop material

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on 9hr compressed.

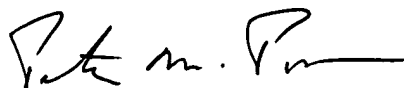
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Parsley  
Patent Examiner  
Art Unit 3643



**PETER M. POON**  
**SUPERVISORY PATENT EXAMINER**

1/7/05